

The Gazette of India

PUBLISHED BY AUTHORITY

No. 29] NEW DELHI, SATURDAY, JULY 18, 1959/ASADHA 27, 1881

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 6th July 1959 :—

Issue No.	No. and date	Issued by	Subject
101	S.O. 1524, dated 2nd July, 1959.	Ministry of External Affairs.	The State of Pondicherry (Representation of the People) Amendment Order, 1959.
102	S. O. 1525 dated 3rd July, 1959.	Ministry of Information and Broadcasting.	Approval of films specified therein.
103	S. O. 1526, dated 4th July, 1959.	Ministry of Commerce and Industry.	Grant of recognition to the Vijai Beopar Chamber Limited, Muzaffarnagar for 3 years in respect of forward contracts in gur.
104	S. O. 1527, dated 4th July, 1959.	Do.	Authorising Shri S. K. Chaudhri I.A.S., to take over the management of Atherton West and Co. Ltd., Kanpur, subject to terms etc., specified therein.
	S. O. 1528, dated 4th July, 1959.	Do.	Directions to the Authorised Controller of Atherton West & Co., Kanpur (Shri S. K. Chaudhri, I.A.S.,—Specified therein.)
105	S. O. 1529, dated 6th July, 1959.	Ministry of Information and Broadcasting.	Approval of films specified therein.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 10th July 1959

S.O. 1591.—Whereas the election of Shri Madhava Shrcehari Ancy, as a member of the House of the People, from the Nagpur Constituency, has been called in question by two election petitions presented by Shri Lakshmikant Mahadeo Chakradeo and Shri Baburao Tatyaji Bhonsle;

And whereas by its notification No. 82/4/59 dated the 15th May, 1959, the Election Commissioner appointed Shri V. B. Raju, District & Sessions Judge, Nagpur, to be the Member of the Election Tribunal constituted for the trial of the said petitions;

And whereas the said Shri Raju has ceased to be a District Judge by reason of his appointment as a Judge of the High Court of Bombay and a vacancy has accordingly occurred in the office of the member of the Tribunal;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 86 and section 87 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby appoints Shri J. M. Sheth, District & Sessions Judge, Nagpur, to fill the said vacancy.

[No. 82/4/59.]

By Order

DIN DAYAL, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 7th July 1959

S.O. 1592.—In pursuance of sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following amendments in the notification of the Government of India in the Ministry of Home Affairs No. S.R.O. 628, dated the 28th February, 1957, namely:—

In the said notification, in the Schedule—

1. in Part II under the heading 'Intelligence Bureau' after the existing entries, the following shall be inserted, namely:—

1

2

3

4

5

Office of the Joint Deputy
Director (Kashmir)

All Posts.

Joint Deputy Director (Kashmir). Joint Deputy Director (Kashmir).

Joint Director (Establishment).

1. in Part III under the Heading "Intelligence Bureau"

(i) for the sub-heading "Subsidiary Intelligence Bureau" and the entries relating thereto, the following sub-heading and entries shall be substituted, namely:—

1	2	3	4	5
Subsidiary Intelligence Bureau.				
(i) Headquarters and Offices of the Assistant Directors.	Assistant Director Subsidiary Intelligence Bureau.	Assistant Director, Subsidiary Intelligence Bureau.	All	Deputy Director, Subsidiary Intelligence Bureau.
All Posts				
(ii) Central Intelligence Officers, Organisation.	Central Intelligence Officer.	Central Intelligence Officer.	All	Deputy Director, Subsidiary Intelligence Bureau.
All Posts.				

(ii) after the existing entries, the following shall be inserted, namely:—

1	2	3	4	5
Office of the Joint Deputy Director (Kashmir)				
All Posts	Joint Deputy Director (Kashmir)	Joint Deputy Director (Kashmir)	All posts.	Joint Director, (Establishment).

[No. F.15/17/59-VIG.]

T. C. A. SRINIVASAVARADAN, Dy. Secy.

New Delhi, the 9th July 1959

S.O. 1593.—In exercise of the powers conferred by entry 3(b) of the table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Rani Saroj Kumari, wife of Shri Pratap Singh, Jagirdar of Gaurihar, for the purpose of that entry and directs that the exemption shall be valid in respect of 1 gun/rifle and 1 pistol/revolver.

[No. 16/22/58-Police.IV.]

S.O. 1594.—In exercise of the powers conferred by entry 3(b) of the table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify—

- (i) Rajkumar Shrimant Vijayasinha Raje Ghorpade, son of Raja Shrimant Yeshwant Rao Ghorpade, the Ruler of Sandur; and
- (ii) Shrimant Sowbhagyavathi Vasundhara Devi Ghorpade, Yuvarani of Sandur;

for the purpose of that entry and directs that the exemption shall be valid in respect of 1 gun/rifle and 1 revolver each.

[No. 16/4/59-Police-IV.]

C. P. S. MENON, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 8th July 1959

S.O. 1595.—In exercise of the power conferred by Sub-Section (1) of Section 3 of the Indian Emigration Act, 1922, the Controller General of Emigration is pleased to appoint Shri K. R. Krishnaswami, Regional Passport Officer, Madras as Protector of Emigrants, Madras with effect from the fore-noon of the 13th June, 1959, vice Shri Dinesh Chandra Mukherjee, transferred as Regional Passport Officer, Lucknow. Shri Krishnaswami will hold charge of the post of the Protector of Emigrants, in addition to his own duties as the Regional Passport Officer, Madras pending further orders.

[No. F.3(19)PV-IV/59.]

S. N. SHEOPORI, Under Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 7th July 1959

S. O. 1596.—Statement of the Affairs of the Reserve Bank of India, as on the 26th June 1959.

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	38,44,52,000
Reserve Fund	80,00,00,000	Rupee Coin	2,68,000
National Agricultural Credit (Long-term Operations) Fund	25,00,00,000	Subsidiary Coin	3,32,000
National Agricultural Credit (Stabilisation) Fund	3,00,00,000	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal
(a) Government	50,46,67,000	(b) External
(1) Central Government	16,59,64,000	(c) Government Treasury Bills	1,13,16,000
(2) Other Governments	99,34,55,000	Balances held abroad*	14,54,74,000
(b) Banks	120,46,72,000	**Loans and Advances to Governments	23,43,16,000
(c) Others	22,48,90,000	Other Loans and Advances†	64,80,51,000
Bills Payable	56,33,45,000	Investments	32,43,85,000
Other Liabilities		Other Assets	13,88,96,000
TOTAL	478,69,93,000	TOTAL	478,69,93,000

*Includes Cash & Short term Securities.

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 1,45,10,000 advanced to scheduled banks against usance bills under Section 17 (4) (c) of the Reserve Bank of India Act.

Dated the 1st day of July 1959.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 26th day of June 1959.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	38,44,52,000		A. Gold Coin and Bullion :—		
Notes in circulation	1713,56,26,000		(a) Held in India	117,76,03,000	
Total Notes issued		1752,00,78,000	(b) Held outside India		
			Foreign Securities	178,00,89,000	
			TOTAL OF A.	295,76,92,000	
			B. Rupee Coin	130,50,71,000	
			Government of India Rupee Securities	1325,73,15,000	
			Internal Bills of Exchange and other commercial paper	..	
TOTAL—LIABILITIES		1752,00,78,000	TOTAL—ASSETS		1752,00,78,000

Dated the 1st day of July, 1959.

H. V. R. IENGAR,
Governor.

[No. F. 3(2)-BC/59.]

New Delhi, the 13th July, 1959

S.O. 1597.—Statement of the Affairs of the Reserve Bank of India, as on the 3rd July, 1959.

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	19,72,80,000
Reserve Fund	80,00,00,000	Rupee Coin	2,40,000
National Agricultural Credit (Long-term Operations) Fund	30,00,00,000	Subsidiary Coin	3,22,000
National Agricultural Credit (Stabilisation) Fund	4,00,00,000	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal	..
(a) Government		(b) External	..
(1) Central Government	59,04,18,000	(c) Government Treasury Bills	8,04,03,000
(2) Other Governments	13,79,60,000	Balances held abroad*	12,29,14,000
(b) Banks	65,98,24,000	**Loans and Advances to Governments	26,74,35,000
(c) Others	162,47,12,000	Other Loans and Advances	74,87,78,000
Bills Payable	22,06,36,000	Investments	294,21,50,000
Other Liabilities	8,98,00,000	Other Assets	15,38,28,000
TOTAL	451,33,50,000	TOTAL	451,33,50,000

*Includes Cash & Short term Securities. **Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 3,25,50,000/- advanced to scheduled banks against usance bills under Section 17 (4) (c) of the Reserve Bank of India Act.

Dated the 8th day of July, 1959.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 3rd day of July 1959.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	19,72,80,000		A. Gold Coin and Bullion :—		
Notes in circulation	1721.40,14,000		(a) Held in India	117,76,03,000	
Total Notes issued		1741.12,94,000	(b) Held outside India		
			Foreign Securities	178,00,83,000	
			TOTAL OF A.		295,76,92,000
			B. Rupee Coin		129,62,87,000
			Government of India Rupee Securities		1315,73,15,000
			Internal Bills of Exchange and other commercial paper		
TOTAL—LIABILITIES		1741.12,94,000	TOTAL—ASSETS		1741.12,94,000

Dated the 8th day of July, 1959.

H. V. R. IENGAR,
Governor.

[No. P 3(2)-BC/59.]
A. BAKSI, Jt. Secy.

(Department of Economic Affairs)

New Delhi, the 8th July 1959

S.O. 1598.—In exercise of the powers conferred by clause (a) of sub-section (2) of section 72 of the States Re-organisation Act, 1956 (37 of 1956), the President hereby declares:—

(a) that from and out of the Consolidated Fund of the State of Delhi, the sums specified in column 3 of the Schedule annexed to this notification amounting in the aggregate to the sum of ninety thousand, four hundred and sixty-one rupees shall be deemed to have been duly authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 1955, in excess of the amounts granted for those services and for that year;

(b) that the sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State of Delhi under this notification shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 1955.

THE SCHEDULE

Serial No.	Services and Purposes	Excess		
		Voted Portion	Charged Portion	Total
		Rs.	Rs.	Rs.
1	2	3		
1. 14. Public Health		67,129	..	67,129
2. 26. Community Development Projects & National Extension Services		20,917	..	20,917
3. Construction of Irrigation, Navigation, Embankment and Drainage Works		1,649	..	1,649
4. Capital Account of Other State Works outside the Revenue Account		766	..	766
	TOTAL	90,461	..	90,461

[No. F. 18(15)-B/59.]

SHIV NAUBH SINGH, Jt. Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 9th July 1959

S.O. 1599.—In exercise of the powers conferred by sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following further amendments in the schedule appended to its notification S.O. 660 No. 35—Income-tax, dated the 22nd April, 1958, namely:—

In the said schedule under the sub-head "VIII-Delhi and Rajasthan" against—

"E" Range, New Delhi.—In entry No. 4 after the letter and figure "-XVII(2)" and before the letter and figure "B-XVIII", the following letters and figures shall be inserted, namely:—

"B-XVII(3)" and "B-XVII(4)".

This notification shall take effect from the 1st day of July, 1959.

Explanatory Note

NOTE.—The amendments have become necessary due to the creation of new Income-tax Circles in the charge of the Commissioner of Income-tax, Delhi and Rajasthan, New Delhi.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 83 (F. No. 50/25/59-IT).]

D. V. JUNNARKAR, Under Secy.

THE MYSORE CENTRAL EXCISE COLLECTORE, BANGALORE

Bangalore, the 12th June, 1959

S.O. 1600.—The following notification will be published in the Gazette issued by the Government of Mysore.

NOTIFICATION UNDER SECTION 199 SEA CUSTOMS ACT BY THE COLLECTOR OF CENTRAL EXCISE MYSORE.

In exercise of the powers conferred by the Section 199 Sea Customs Act, 1878 (VIII of 1878) the Collector of Central Excise, Mysore as chief Customs Officer in respect of the out ports in the jurisdiction of the Mysore Central Excise Collectorate prescribes the following Rules for the levy of wharfage of godown rent on goods deposited in Custom Houses including such portions of the fore shore as are used for the storage of goods.

I. (1) The rules apply to all goods including personal effects landed or brought for shipment at the ports.

(2) Goods will be allowed to remain in any Custom House free of charge for 6 whole working days from the date of completion of steamers discharge. In calculating either of these free periods, the day of landing, the day of clearance and Sundays and holidays immediately following the last free working day will not be reckoned.

(3) After these periods, rent will be charged for the first week or portion thereof at the rates given in the schedule below.

(4) After the first week, in the case of all Custom Houses twice the rates will be charged for the second week or portion thereof and thrice the rates for third week and succeeding weeks or portion thereof. These penalty rates may be reduced at the discretion of the Collector of Central Excise, Mysore.

(5) No charge will be made for periods during which goods were detained in consequence of the inability of the Custom Officer to examine and pass them.

(6) In the case of articles detained at the Custom Houses, a rent of 13 n.P. per week or part of a week will be charged for each fire arm or packet of ammunition or any other parcel which is not cleared within one calendar month from the time of its receipt at the Custom House. No rent will, however, be charged in respect of packages detained for Customs purposes.

(7) Rules 2 and 5 do not apply to free export goods which will pay rent for the whole period of their storage.

(8) In case there is not enough space in any Custom House to accommodate both Import and Export goods, preference will be given to the former.

(9) The lowest charge made under these rules will be 0.06 n.P. Fractions of half naye paise and below are to be rounded off to the naye paise below while fractions above half naye paise are to be rounded to the naye paise above.

II. The Government of India have ruled that once the fees fixed under this section have become payable the right thereto vests in the Government and the Chief Customs Officer has no power to waive the recovery either of the whole or part of such fees; they have however accorded their general previous consent to the waiver of such fees by Chief Customs Officer in suitable cases.

Schedule of Rates of wharfage or Godown rent

Description of Packages	Rates per day.
	Rs. nPs.
1. Bags and Bales :	
Small not weighing more than 350 Lbs.	0 02
Large weighing more than 350 Lbs.	0 02
2. Cases and Crates :	
Upto 6 Cubic Feet	0 02
Over 6 Cubic Feet and not exceeding 17 Cubic Feet	0 02
Over 17 Cubic Feet and not exceeding 25 Cubic Feet	0 04
Above 25 Cubic Feet	0 06
3. Casks, Kags, Drums and Jars (if contents are liquid) :	
Not above 30 gallons capacity	0 02
Above 30 gallons and not above 60 gallons capacity	0 03
Above 60 Gallons capacity	0 05
If contents are solid or semisolid such as paints, Alyarinc, Cement, Chalk, Tar, Pitch etc. :	
Not exceeding one foot in height	0 01
Above 1 foot and not exceeding 3 feet in height	0 01
Above 3 feet not exceeding 4 feet in height	0 02
Above 4 Feet and not exceeding 5 feet in height	0 03
Above 5 feet in height	0 03
4. Metals of all kinds including pipes and Tubes , Copper, yellow metal sheets, Hardware also loose articles such as bricks, Tiles, Stones, Marble Slabs Rattan (in bundles), Showees (in bundles) etc., per cwt.	0 02
5. Carriages and Motor Cars each	0 50
6. Machinery unpacked per cwt.	0 02
7. Combustibles	Triples the rates quoted for packages of similar size.
8. Valuables viz, Bullion, Silver Lametta thread, Jewellery and Silver goods	Quad rupee the rates shown for package of similar size.
9. Timber per ton of 50 Cubic Feet.	0 03
10. Articles not enumerated per cwt.	0 02

NOTE: The rates prescribed above will be in force from the 1st day of June, 1959.

[No. C.VIII/25/5/59-Cus.]

Bangalore, the 2nd July 1959

S.O. 1601. -In exercise of the powers conferred upon me by Rule 233 of the Central Excise Rules, 1944, I hereby direct the manufacturers of excisable goods in the jurisdiction of the Mysore Central Excise Collectorate to communicate, to the concerned C. Ex. Officer within 48 hours of its occurrence, details of loss of excisable goods if any suffered by them due to unavoidable accidents such as fire, flood, theft etc. Manufacturers who fail to so notify the loss will render themselves liable for payment of excise duty on the goods involved.

[No. 5/59.]

R. C. MEHRA, Collector.

BOMBAY CENTRAL EXCISE COLLECTORATE

CENTRAL EXCISES

Bombay, the 8th July 1959

S.O. 1602. -In exercise of the powers conferred on me by Rule 5 of the Central Excise Rules, 1944, I hereby empower the Superintendents of Central

Excise to exercise within their respective jurisdiction, the powers of the Collector under Rule 9 of the said Rules, for according permission to open account current in respect of Vegetable Non-essential oil manufacturers only, subject to the condition that the account current shall be maintained in the name of the Collector.

[No. CER/5/1(MP)/59.]

M. T. SHANBHAG, Collector.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 6th June 1959

S.O. 1603.—In Exercise of the powers conferred by sub-section (3) of section 1 of the Standards of Weights and Measures Act, 1956 (89 of 1956), the Central Government hereby appoints the 1st day of October, 1959, as the date on which the provisions of the said Act in so far as they relate to units of mass shall come into force in respect of transactions involving sale and purchase of goods in the areas specified below in the State of Kerala:—

Areas in the State of Kerala in which metric weights will be introduced on 1st October 1959.

Districts of Trivandrum, Kottayam, Alleppey, Trichur, Palghat and Cannanore.

[No. SMC-15(11)/59/1.]

S.O. 1604.—In exercise of the powers conferred by sub-section (1) of section 14 of the Standards of Weights and Measures Act, 1956 (89 of 1956), the Central Government hereby permits, in respect of the areas in the State of Kerala referred to in the notification of the Government of India in the Ministry of Commerce and Industry, S.O. No. 1603 dated 6th July 1959, the continuance of the use, for a period of two years from the 1st day of October, 1959, of any weight which, immediately before that day, was in use in respect of the said areas.

[No. SMC-15(11)/59/2.]

K. V. VENKATACHALAM, Jt. Secy.

New Delhi, the 13th July 1959

S.O. 1605.—In exercise of the powers conferred by section 8 of the Emblems and Names (Prevention of Improper Use) Act, 1950 (12 of 1950), the Central Government hereby directs that in the Schedule to the said Act, after item 13, the following item shall be added, namely:—

“14. The name and emblem of the Tuberculosis Association of India”.

[No. 4(3)-TMP/57.]

K. RAJARAMAN, Under Secy.

New Delhi, the 18th July, 1959

S.O. 1606.—The Central Government having considered in consultation with the Forward Markets Commission, the application for recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952, (74 of 1952), by the Kanpur Oils and Oilseeds Exchange Ltd., Kanpur, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Exchange for a period of 3 years ending on 17th July, 1962, in respect of forward contracts in rapeseed and mustardseed.

2. The recognition hereby granted is subject to the condition that the said Exchange shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[F. No. 34(11)-TMP/FMC/59.]

T. S. KUNCHITHAPATHAM, Under Secy.

ORDER

New Delhi, the 7th July 1959

S.O. 1607/JDRA/6/7.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rules 4, and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints the following persons to be members of the Development Council for the scheduled industries engaged in the manufacture and production of Drugs, Dyes and Intermediates in place of the members whose term of office has expired by efflux of time or otherwise:—

S. No.	Name and address of Member	Interest represented	Chairman/ Member
1.	Dr. K. Venkataraman, Director, National Chemical Laboratory, Poona.	"technical knowledge"	Chairman
2.	Shri Ramanbhai Amin, Alembic Chemical Works Ltd., Baroda—3.	"owners"	Member
3.	Shri N. Adhikari, Bengal Chemical & Pharmaceutical Works, Ltd., 164, Maniktala Main Road, Calcutta—11.	-do-	-do-
4.	Shri S. T. Raja, Managing Director, Hindustan Antibiotics (Private) Ltd., Pimpri, (Poona).	-do-	-do-
5.	Mr. W. R. Thompson, Glaxo Laboratories (India) Ltd., Worli, Bombay—18.	-do-	-do
6.	Dr. G. B. Ramasarma, Director-in-Charge, Research & Central Division, Raptakes, Brett & Co. Private Ltd., Pharmaceutical Works, Dr. Annie Besant Road, Worli, Bombay.	-do-	-do-
7.	Dr. R. Mazumdar, Works Manager, Messrs May & Baker Limited, Worli, Bombay—18.	-do-	-do-
8.	Dr. H. R. Nanji, Meher House, 15, Cawasji Patel Street, Bombay No. 1.	"technical knowledge"	-do-
9.	Shri K. R. Chandran, M/s. Bliss & Cotton Ltd., 12 E, Connaught Place, New Delhi—1.	-do-	-do-
10.	Dr. U. P. Basu, Director, Bengal Immunity Research Institute, 39, Lower Circular Road, Calcutta—16.	-do-	-do-
11.	Shri V. G. Nimbkar, General Secretary, Rashtriya Chemical Kamgarh Sangh, Near Ambernath Rly. Station, Ambernath.	"persons employed in industrial undertakings."	-do-
12.	Dr. K. Vasudeva Rao, 6, Dr. Thomas Road, T. Nagar, Madras—17.	"consumers"	-do-
13.	Dr. B. B. Yodh, 18, Darabsha Road, Bombay—26.	-do-	-do-
14.	Dr. K. P. Karanth, C/o Biochemical & Synthetic Products Ltd., Sanatnagar, Hyderabad, A. P.	-do-	-do-
15.	Shri P. M. Nahar, Officer on Special Duty, Central Indian Medicinal Plants, New Delhi.	-do-	-do-
16.	Shri S. K. Borkar, Drug Controller, Directorate General Health Services, Ministry of Health, New Delhi.	-do-	-do-
17.	Shri R. N. Warier, Deputy Technical Director, National Productivity Council, Golf Link, New Delhi.	"technical knowledge"	-do-
18.	Dr. B. Shah, Deputy Development Officer (Drugs), Development Wing, New Delhi.	-do-	-do-
19.	Shri Joginder Singh, Deputy Development Officer (Dyes), Development Wing, New Delhi.	-do-	-do-

[No. 4(2)IA(II)(G)/59.]

K. C. MADAPPA, Dy. Secy..

(Department of Company Law Administration)

New Delhi, the 7th July 1959

S.O. 1608.—In exercise of the powers conferred by clause (a) of sub-section (1) of the section 448 of the Companies Act, 1956 (1 of 1956), the Central Government hereby appoints Munshi Ghulam Mohammad, Registrar, High Court of Jammu and Kashmir, to be the *Ex-Officio*, Official Liquidator attached to Jammu and Kashmir High Court with effect from the date he has assumed charge until further orders *vice* Kh. Azim-ud-Din Maitoo, Registrar, High Court, who has since been transferred.

[No. F.15(17)-Admn/59.]

P. B. SAHARYA, Under Secy.

MINISTRY OF HEALTH

New Delhi-2, the 10th July 1959

S.O. 1609.—The following resolution passed by the Pharmacy Council of India at its meeting held on the 21st of March, 1959, is published, as required by section 15 of the Pharmacy Act, 1948 (8 of 1948), namely:—

“The Pharmacy Council of India declares under section 12(1) of the Pharmacy Act, 1948 the Diploma in Pharmacy course of study conducted by the Christian Medical College, Vellore as an approved course of study for the purpose of admission to an approved examination for pharmacists. The Council also declares the Diploma in Pharmacy examination under section 12(2) of the said Pharmacy Act, for the purpose of registration as a pharmacist under the said Act.”

P. S. RAMACHANDRAN,
Secretary, Pharmacy Council of India.

[No. F. 7-48/59-D.]
D. J. BALARAJ, Dy. Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS

(Department of Transport)

(Transport Wing)

New Delhi, the 9th July 1959

S.O. 1610.—In exercise of the powers conferred by rule 5 of the Indian Merchant Shipping (Seamen's Employment Office, Calcutta) Rules, 1954, the Central Government hereby establishes for a period of two years from the date of issue of this notification, the Seamen's Employment Board at the port of Calcutta and appoints the following persons to be its members, namely:—

1. The Director General of Shipping—Chairman.		
2. The Principal Officer, Mercantile Marine Department, Calcutta—Vice-Chairman		Members representing the Govt.
3. The Labour Commissioner, West Bengal		
4. The Director of National Employment Service, West Bengal, Calcutta		
5. The Director, Seamen's Employment Office, Calcutta—Secretary		
6. Shri B. P. Singh Roy		Members representing the Shipowners
7. Shri L. W. Balcombe		
8. Shri J. W. Anson		
9. Capt. J. Paterson		
10. Capt. J. Wharry		
11. Shri Kali Mukherji		Members representing the Seamen.
12. Shri Abdul Gani		
13. Shri Bijoy Mukherji		
14. Shri Abdul Jalil		
15. Shri Bikas Majumdar		

[No. 15-MT(1)/59.]
S. K. VENKATACHALAM, Dy. Secy.

(Department of Communications and Civil Aviation)

New Delhi the 3rd July 1959

S.O. 1611.—Whereas a dispute has arisen between the Telegraph Authority and the Municipal Committee, Akot regarding removal of telephone post planted by the Telegraph Authority on municipal road in front of Dubey Medical Stores, Jawahar Chowk, Akot;

Now, therefore, in exercise of the powers conferred by Section 15 of the Indian Telegraph Act, 1885 (13 of 1885), the Central Government hereby appoints Shri A. P. Massand, Director of Telegraphs, Central Circle, to determine the said dispute.

[No. 111/44/58-NB.]

B. G. DESHMUKH, Dy. Secy

(Department of Communications and Civil Aviation)

New Delhi, the 7th July 1959

S.O. 1612.—In pursuance of the provisions of sub-rule (1) of rule 48 of Order XXI in the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908), the Central Government hereby makes the following amendments in the Notification of the Government of India in the Ministry of Transport and Communications (Departments of Communications and Civil Aviation) No. 2-CD(54)/55, dated the 9th August, 1958 (S.O. 1676, dated the 9th August, 1958), namely:—

In the Schedule annexed to the said notification,—

I. Under the head 'B-Posts and Telegraphs Department'.

- (i) for the existing entry under column 2 against item 17, the entry "Chief Accounts Officer, Telegraph Stores and Workshops, Calcutta" shall be substituted;
- (ii) after item 27, the following two items and entries shall be inserted namely:—
"28. Officers employed under the administrative jurisdiction of the Accounts Officer, Telephone Revenue, venue (Rajasthan), Delhi. (Rajasthan).
29. Officers employed under the jurisdiction of the Superintendent P&T Forms Superintendent P&T Forms Stores, Nasik. Stores, Nasik."

II. Under the head 'D-India Meteorological Department':—

(1) in the entries in column 1 against item 1,

- (i) entry (b) shall be omitted and entries '(c)' and '(d)' relettered as '(b)' and '(c)' respectively;
- (ii) in entry (c) as so relettered, the following shall be added at the end, namely:—
"Danduldhura (Nepal)"

(2) in the entries in column 1 against item 6, the entries "Alibag (Bombay)" and "Poona (Bombay)" shall be omitted;

(3) in the entries in column 1 against item 7,—

- (i) the following shall be added at the end, namely:—

"Shantiniketan (West Bengal), Barakshetra (Nepal), Hirakud (Orissa), Barmul (Orissa), Bakaro (Bihar), Raxaul (Bihar)";

- (ii) the entry "Barrackpore (West Bengal)" shall be omitted;

(4) in the entries in column 1 against item 8, the entry "Madurai (Madras)" shall be added at the end;

(5) in the entries in column 1 against item 9, the entry "Sehore (Madhya Pradesh)" shall be added at the end;

(6) in the entries in column 1 against item 10,—

(i) the entry "Mussoorie (U.P.)" shall be omitted;

(ii) the entry "Nanpara (U.P.)" shall be added at the end;

(7) in the entry in column 1 against item 11, the following stations shall be added at the end, namely:—

"Trivandrum (Kerala) and Annamalainagar (Madras);"

(8) in the entry in column 1 against item 13, the words and brackets "Seismological Observatory at Bokharo (Bihar)" shall be omitted;

III. for the heads 'E-Railway Inspectorate' and 'F-Overseas Communications Service' and the entries thereunder, the following headings and entries shall respectively be substituted, namely:—

"E-Railway Inspectorate.

1. Office of the Chief Govt. Inspector of Railways Chief Govt. Inspector of Railways, Simla-3.
Simla.
2. Office of the Govt. Inspector of Railways, The Govt. Inspector of Railways, Bo. m.t.y.
Bombay.
3. Office of the Govt. Inspector of Railways, The Govt. Inspector of Railways, Calcutta.
Calcutta.
4. Office of the Govt. Inspector of Railways, The Govt. Inspector of Railways, Lucknow
(at Calcutta).
(at Calcutta).
5. Office of the Govt. Inspector of Railways, The Government Inspector of Railways,
Bangalore.
Bangalore.

F-Overseas Communications Service.

1. Overseas Communications Service, Head The Director General, Govt. of India,
Office, Bombay-1. Overseas Communications Service, Radio
House, Appollo Bunder, Bombay-1.
2. Overseas Communications Service, Central The Engineer-in-Charge, Government of
Traffic Office, Bombay-1. India Overseas Communications Service,
C.T.O. Buildings, Flora Fountain,
Bombay-1.
3. Overseas Communications Service, Beam The Director, Government of India, Overseas
Wireless Station, Poona-6. Communications Service, Beam wireless
Station, Poona-6.
4. Overseas Communications Service, New Delhi. The Director, Government of India, Overseas
Communications Service, A-Barrack,
Jan Path, New Delhi.
5. Overseas Communications Service, Calcutta. The Director, Government of India, Overseas
Communications Service, Narayani Building,
Brabourne Road, Calcutta.
6. Overseas Communications Service, Madras. The Engineer-in-Charge, Government of
India, Overseas Communications Service,
No. 39, Muket Nallamuthu Street, Madras.
7. Overseas Communications Service, Beam The Engineer-in-Charge, Government of
Wireless Station, Dhond. India, Overseas Communications Service,
Beam Wireless Station, Dhond".

[No. 13-CD(1)/59.]

D. S. NIM, Under Secy.

(Department of Communications and Civil Aviation)

New Delhi, the 9th July 1959

S.O. 1613.—In pursuance of sub-rule (2) of Rule 3 of the Indian Aircraft Rules of 1937, the Central Government hereby authorises the Aircraft Inspectors In-charge of the Inspection Offices to exercise the undermentioned powers for a further period upto 31st July, 1959:—

S. No.	Rules by which power conferred	Nature of power
1.	Rule 56	To renew certificate of air worthiness and to require the flying machines to be overhauled, inspected or tested in flight.
2.	Sub-rules (2) & (3) of rule 58	To approve modifications and the methods by which they are carried out.
3.	Para 3(5) Sec. E, schedule III.	To approve methods of treatment of metals.
4.	Sub-rule (7) of rule 61.	To renew Aircraft Maintenance Engineer's licences.
5.	Sub-rule (5) of rule 19.	To require surrender of Aircraft Maintenance Engineer's licences.

[No. AR/1937(53)/10-A/52-59.]

K. K. UNNI, Dy. Secy,

MINISTRY OF WORKS, HOUSING & SUPPLY

New Delhi, the 2nd July 1959

S.O. 1614.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules for regulating the recruitment to the posts of Photographic Assistant, Electronic Assistant and Assistant Librarian in the Government Test House, Calcutta under the Directorate General of Supplies and Disposals, namely:—

1. Short title.—These rules may be called Photographic Assistant, Electronic Assistant and Assistant Librarian (Government Test House, Calcutta) Recruitment Rules, 1959.

2. Recruitment, etc.—The number, classification, pay scales, method of recruitment and other matters pertaining to the posts of Photographic Assistant, Electronic Assistant and Assistant Librarian, in the Government Test House, Calcutta shall be as shown in the relevant columns of the Schedule appended to these rules.

3. Disqualification.—No person who has more than one wife living or marrying a person having a wife living shall be eligible for appointment to any post referred to in rule 2.

Provided that the Central Government may, in any exceptional case, and for reasons to be recorded in writing, exempt any person from the operation of this rule.

Draft Recruitment Rules for Class III (Technical and Non-Technical posts) in the Government Test House, Alipore, Calcutta

Name of the post	No. of classification	Its post of pay	Scale of pay	Whether selection post or not	Age limit for direct recruitment	Educational or other qualifications	Whether age of educational qualification will also apply in case of recruitment by transfer/ promotion	Period of probation	Methods of recruitment	In case of vacancies filled by promotion/ transfer etc., grades/sources from which promotions etc. are to be made
Photographic Assistant.	1 Non- Ministerial Class III Non-gazetted.	160-10-330.	Rs. Selection post.	Not exceeding 30 years. Relaxable in the case of persons belonging to Scheduled Castes and Scheduled Tribes, displaced persons and other special categories of persons in	Should have at least 3 years' experience in Photography (Specially scientific Photography), mental candidates should be able to but educational qualifications will apply.	The prescribed age limit will not apply in the case of promotion/ transfer of departmental candidates.	Six months.	By promotion if suitable candidates are available from amongst the Government Test House staff or by transfer from other Regional Offices failing which by direct recruitment.	From the grade of Draftsman and Phto grapher.	
Electronic Assistant.	1 Non- Ministerial Class III Non-gazetted.	160-10-330.	Non-Selection post.	Not exceeding 30 years. Relaxable in the case of persons belonging to Scheduled Castes and Scheduled Tribes, displaced persons and other special categories of persons in	A post-graduate degree in Radio Physics and Electronics or a degree in Tele-Communication Engineering or a Science Graduate with Honours	Does not arise.	Six months.	Direct recruitment.	Does not arise.	

accordance with the orders of the Government of India from time to time.

specialized experience of Electronic instruments and Apparatus. Preference will be given to a person with experience of repairs and servicing of electronically operated equipments.

Assistant Librarian.

i Non- 80—5— Ministerial 120—E.B. Selection post. Class III 8—200— Non- 10/2—220. gazetted.

80—5— Selection post. 18—25 years. Should be graduate of persons belonging to Scheduled Castes and Scheduled Tribes, displaced persons and other special categories of persons in accordance with the orders issued by Government of India from time to time. Relaxable in case of a recognised University, preferably with practical experience in a well equipped Library. Should also be capable of performing the duties of maintaining, circulating and supplying a large number of scientific and Engineering. Specifications required for testing advisory and other special technical works. Persons holding Diploma in Library Science from a recognised institution will be preferred.

The prescribed age limit will not apply in the case of promotion/ transfer of departmental candidates but educational and other qualifications will apply.

By promotion if suitable candidates are available from amongst the Government Test House staff, or by transfer from other Regional Offices, failing which by direct recruitment.

From the grade of Lower Division Clerk.

MINISTRY OF IRRIGATION AND POWER

New Delhi, the 11th July 1959

S.O. 1615—In pursuance of sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules 1957, the President hereby makes the following further amendments in the notification of the Government of India in the Ministry of Irrigation and Power, No. S.R.O. 617, dated the 28th February, 1957, namely :—

In the Schedule to the said notification :—

(1) in Part I, for the heading “Ganga Basin Water Studies Section” and the entries thereunder, the following heading and entries shall be substituted, namely :—

1	2	3	4
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“*Ganga Basin Organisation.*

All technical posts.	Chief Engineer.	Chief Engineer.	All”
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(2) in Part II, for the heading “Ganga Basin Water Studies Section” and the entries thereunder, the following heading and entries shall be substituted, namely :—

1	2	3	4	5
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“*Ganga Basin Organisation.*

Secretariat.

All technical posts	Chief Engineer.	Chief Engineer.	All.	Secretary, Ministry of Irrigation & Power.
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Circle.

Head Draftsman ; Superintendent.	Chief Engineer.	Chief Engineer.	All.	Secretary, Ministry of Irrigation and Power.
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All other posts	Superintending Engineer.	Superintending Engineer.	All.	Chief Engineer.
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Division.

Head Clerk	Chief Engineer	Chief Engineer.	All.	Secretary, Ministry of Irrigation and Power.
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All other posts	Superintending Engineer.	Superintending Engineer.	All.	Chief Engineer.”
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(3) in Part III, after the existing entries, the following heading and entries shall be inserted, namely :—

1	2	3	4	5
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“*Ganga Basin Organisation.*

Circle.

All posts	Superintending Engineer.	Superintending Engineer.	All.	Chief Engineer.
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Division.

All posts	Executive Engineer.	Executive Engineer.	All.	Superintending Engineer.”
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ORDER

New Delhi, the 10th July, 1959

S.O. 1616.—In exercise of the powers conferred by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby direct that the provisions of—

- (i) proviso (a) to rule 118,
- (ii) clause (a) of sub-rule (1) of rule 119, and
- (iii) sub-rule (7) of Rule 123

of chapter X of the said Rules shall be relaxed in the case of the use of—

One 2½ cu. yd., 175 H.P., type 93-M, Marion shovel, serial No. 10096, with

- (i) 150 H.P., 3300 volts, motor serial No. ISI4B5403,
- (ii) 3 K.V.A., 3300/120/240 volts single phase, transformer, serial No. 122971,
- (iii) a length of 200 yds. (600 feet) of :0225 sq. inch, 4 core, 3300 volts, type 321 of B.S.S. 1116/1956, cable with gate-end circuit-breaker.

in the lime stone quarries of the Lakhari Cement Works of Messrs. the Associated Cement Companies, Ltd., in Rajasthan, to the extent that—

- (a) the working voltage of the main driving motor of the said transportable machine may not exceed 3300 volts;
- (b) the transformer and associated equipment may not be fixed machines while moving from one place to another when installed on the portable shovel; and
- (c) the length of the flexible cable with the transportable machine may not exceed 600 feet,

and that the relaxation shall be subject to the following conditions, namely:—

- (1) The excavating machine shall be worked with due care so as to avert danger arising out of any electrical defect and the insulation resistance of the high voltage circuit, including the main driving motor, shall not be less than 10 megohms;
- (2) The flexible trailing cables for use with the excavating machine shall be worked with due care so as to avert any danger arising out of it and shall be connected to the electricity supply system and the machine by properly constructed connector box:

Provided that the aforesaid relaxation shall be valid only for such time as the said machine is in use in the mine and that the information shall be given to the Central Government through the Electric Inspector of Mines as soon as the machine is taken out of the mine.

[No. EL.III-3(12)/59.]

N. S. VASANT,
Officer on Special Duty.

MINISTRY OF REHABILITATION

New Delhi, the 9th July 1959

S.O. 1617.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuate properties specified in the Schedule hereto annexed in the State of Uttar Pradesh for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons ;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuate properties specified in the Schedule hereto annexed.

THE SCHEDULE

Distt. Muzaffarnagar

S. No.	Particulars of the evacuee property	Name of the town and locality village in which the property is situated	Name of the Evacuee	C. P. No.
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1	2	3	4	5
1.	House No.	14, Sarwat Gate, Muzaffarnagar	Musammat Saida Begum	223
2.	" 15,	" "	-do-	224
3.	" 5,	" "	-do-	225
4.	" 4,	" "	-do-	226
5.	" 4/1,	" "	-do-	227
6.	" 3,	" "	-do-	228
7.	" 10,	" "	-do-	229
8.	" 7,	" "	-do-	230
9.	" 6,	" "	-do-	231
10.	" 8,	" "	-do-	232
11.	" 9,	" "	-do-	233
12.	" 11,	" "	-do-	234
13.	" 13,	" "	-do-	235
14.	" 12,	" "	-do-	236
15.	" 16,	" "	-do-	237
16.	" 17,	" "	-do-	238
17.	" 18,	" "	-do-	239
18.	" 19,	" "	-do-	240
19.	" 20,	" "	-do-	241
20.	" 21,	" "	-do-	242
21.	" 22,	" "	-do-	243
22.	" 23,	" "	-do-	244
23.	" 24,	" "	-do-	245
24.	" 25,	" "	-do-	246
25.	" 26,	" "	-do-	247
26.	" 27,	" "	-do-	248
27.	" 28,	" "	-do-	249
28.	" 29,	" "	-do-	250
29.	" 30,	" "	-do-	251
30.	" 31,	" "	-do-	252
31.	" 32,	" "	-do-	253
32.	" 33,	" "	-do-	254
33.	" 34,	" "	-do-	255
34.	" 35,	" "	-do-	256
35.	" 36,	" "	-do-	257
36.	" 38,	" "	-do-	259
37.	" 39,	" "	-do-	260
38.	" 40,	" "	-do-	261
39.	" 41,	" "	-do-	262
40.	" 42,	" "	-do-	263
41.	" 42/1,	" "	-do-	264
42.	" 43/1,	" "	-do-	265
43.	" 44,	" "	-do-	266
44.	" 83, Civil lines,	" "	-do-	267
45.	" 82,	" "	-do-	268
46.	" 1, Bhopa Road,	" "	-do-	269
47.	" 2,	" "	-do-	270
48.	" 3,	" "	-do-	271
49.	" 48,	" "	Musammat Rashidan	277
50.	" 13, Sherji,	" "	Amna Begum	279
51.	" 13 1,	" "	-do-	280
52.	" Site Under House No. 8 Chipiwara,	" "	-do-	364
53.	" 435, Ladhawala,		Minu	365
54.	" 82, Sarwat Gate,		Sultan Ahmmad	370
55.	" 82, 82/1, Peerzadgan,		Abdul Karim	474
56.	" 4, Bhopa Road,		Musammat Saida Begum	579

I	2	3	4	5
57. House Number	181/1	Managar. East:- Shop Number 151/2, West : Shop Num- ber 150, North : House Number, 151, Soh : Road.	Margoob Hasan	1704
58. Shop Number,	151/5,	-do-	-do-	1705
59. " "	151/6,	-do-	-do-	1706
60. " "	151 7,	-do-	-do-	1707
61. Chabutra,		-do-	-do-	1708

Town Charthawal

62. House Number	51,	Sheikhhubudha	Abdul Karreem	407
63. "	49,	-do-	-do-	408
64. "	81,	Tagan Muslim.	Asghar Jumma	413
65. House in		Mohalla Sheikhzadgan,	Shauddin	427
66. House Number	5,	Norrbfan	Fathe	430
67. "	11	Shekhzadgan,	Shafieef	437

Town Purgazi

68. "	206,	Mohalla Quanungao, Akbar		377
69. "	188,	Pathanan,	Fathe Khan	380
70. "	79,	Norrangran,	Yakoob Khan	382
71. "	387,	Qasaban,	Zarief	387
72. House in		Sabzimandi,	Ada Hussain	390
73. House Number	174,	Qanungoyan Musliam	Ilyas	391

Town Baghra

74. House Number	Nil,	Nowrain	Ishtaq	440
75. "	893,	Mohalla Pati Muradpura, Mohsin Begum		442
76. House in		Patti Muradnagar	Ibney Hasan	443
77. House Number	629/2,	Sheikhan.	Hamid Hasan	446
78. House in		Mohalla Sadat Baghra	Mahmood Hasan	450
79. House Number	675,	Mughlian,	Sahawat Hassan	445
80. House Number	629,	Shikhan,	Hamid Hassan	447
81. House in		Mohalla Sadat, Bhagra, Ataul Huq.		451

Town Miranpur

82. Shop Number	305,	Mahal Mushatarak,	Kara Hussain	304
83. Shop Number	348,	-do-	-do-	305

Town Jansath

84. House Number	23,	Mohalla Jantabad,	Safiq Hussain	452
85. "	155,	Mohalla Gaiy	Abdul Aziz, Peeru	453
86. "	7,	Mohalla Qazian,	Niaz Uddin	459
87. House in		Mohalla Bari Mandi,	Azad Ali	463
88. One Baithak	.	-do-	Siraj Ali	465
89. House	.	Mohalla Misra,	Manzoor	469
90. House Number	17,	Chowak,	Mohammed Ali,	470
91. Plot in House Number	2,	Jummna,	Abrar Hussain	472
92. Kotha in		Mohalla Jummna,	-do-	473

Town Kandhla

93. House Number	401,	Mohalla Sheikhzadgan,	Nasood Ahmad	52
94. "	402,	-do-	-do-	53
95. "	403,	-do-	-do-	54
96. "	417,	-do-	-do-	55
97. "	418,	-do-	-do-	56
98. "	419,	-do-	-do-	57
99. "	420,	-do-	-do-	58
100. "	342,	-do-	-do-	59

1	2	3	4	5
101.	House Number 282,	Khail,	Yakub Begum	61
102.	" 19,	Moldnan,	-do-	62
103.	" 54,	-do-	-do-	63
104.	" 43,	-do-	-do-	64
105.	" 19,	Gujran,	Mushimmat Bundi	65
106.	" 155,	Molanan,	-do-	71
107.	" 392,	Sheikhzadgan,	Shabir	351
108.	" 282,	Khail,	Mushammat Manan	352
109.	" 290,	-do-	Azmat Ullah	354
110.	" 220A	-do-	Ghaffar Begum	355
111.	Site under House in	Mohalla Ikrampura,	Shamsul Haq	1492
112.	Site House Number 552,	-do-	-do-	1493
113.	Site under House Number Nil	Ikrampura	Shamsul Haq	1494
114.	" House under Gher,	-do-	-do-	1495
115.	" Under House,	-do-	-do-	1496
116.	" Under House,	-do-	-do-	1497
117.	" Under House,	-do-	-do-	1498
118.	" House Number 145,	Khail	-do-	1499
119.	" House,	Ikrampura,	-do-	1500
120.	" "	-do-	-do-	1501
121.	" "	-do-	-do-	1502
122.	" "	-do-	-do-	1503
123.	" "	-do-	-do-	1504
124.	" "	-do-	-do-	1505
125.	" "	-do-	-do-	1506
126.	" "	-do-	-do-	1507
127.	" "	-do-	-do-	1508
128.	" "	-do-	-do-	1509
129.	" "	-do-	-do-	1510
130.	" "	-do-	-do-	1511
131.	" "	-do-	-do-	1512
132.	" "	-do-	-do-	1513
133.	" "	-do-	-do-	1714
134.	" "	-do-	-do-	1716

Town Budhana

135.	House Number 186,	Mohalla Qaziwara,	Mohhammad Zakaria	338
136.	" 7,	Qanungoyan,	Iqbal	340
137.	" 12,	Mirdgan,	Shabir	341
138.	" 138,	Qaziwara,	Saiduddin	342
139.	Fallen house in Mohalla Alidarmain, East House of Fathe Barbar. West : House Number 312, South : House Number 313, North :—Rasta to join Rasta,	Mohalla Alidarmain, East House of Fathe Barbar. West : House Number 312, South : House Number 313, North :—Rasta to join Rasta,	Sharfullah	589
140.	House Number 81,	Begum pura,	Ismail	590

Distt. Moradabad

Serial No. #	Particulars of the property	Name of the town and locality in which the evacuee property is situated	Name of Evacuee
1.	House Number 293,	Mohalla Afgana Amrohad	Shri Shareef Ahmed
2.	" 328,	Begum Sarai Amrohad	Shri Mohammad Yaqoob and etc.
3.	" 110,	Bagla,	Shri Khaleeq Ahmed.
4.	" 59,	Chakli,	Khawaja Shabuddin.
5.	" 104,	Chawara,	Srimati Safi-ul-Nisa.
6.	" 116,	Do,	Dr. Akhtar.
7.	" 54,	ChabGhori	Shri Isahak Ahmed.
8.	" 21,	Do,	Shri Fanik Husan.
9.	" 242,	Do,	Shri Inamul Haq.
10.	" 117,	Danishmadan,	Shri Husain Nazir.

Sl. No.	Particulars of the property			Name of the town and locality in which the eva- cuee is situated	Name of the property	Name of Evacuee
11.	House Number	58,	.	Mohalla Danishmadan,		Shrimati Haneez Sai- da.
12.	"	38,	.	"	Do.	Shri Nabi Raza.
13.	"	175,	.	"	Darbar Kalan	Shri Sayed Hasan.
14.	"	84,	.	"	Do.	Shri Shamir Ahmed Khan.
15.	"	8,	.	"	Do.	Shrimati Zunni Wife of Farhah Ullah.
16.	"	90,	.	"	Kotkoi	Shri Tasanwar Hasan.
17.	"	57,	.	"	Do.	Shri Anul Husain.
18.	"	70,	.	"	Do.	Shrimati Saddiqा.
19.	"	271,	.	"	Mullana	Shri Rais Ahmed.
<i>Distt. Banda</i>						
1.	Shop	.	.	situated in Mohalla Colvin Ganj		Sri Manzoor Illah and others.
<i>Distt. Saharanpur</i>						
1.	F3/82	.	.	Sarai Mardan ali	.	Mohd. Azim Khan.
2.	E4/5	.	.	Shive puri Mandi	.	Iqbal, Mohd. Ishaq.
3.	G2/12AB	.	.	Jatian	.	Mohd. Idris Khan.
4.	G1/86	.	.	Lakhi gate	.	Saghir Ahmed.
5.	P4/48	.	.	Nakhsa Bazar	.	Masanmat Nawab Jan wife of Hasan Ah- med.
6.	L1/388, 392, 398 and 395	.	.	Khanalampura	.	Fida Hassan son of Aftab Hussain.
7.	G2/36	.	.	Jatian	.	Khurshid Ahmed.
8.	P1/42(3891)	.	.	Bazar Kakarganj	.	Irfan Ahmed.
9.	P1/76(3789)	.	.	Do.	.	Do.
10.	P6/62(4504)	.	.	Bazar Shahid Ganj	.	Do.
11.	P6/62(4505)	.	.	Do.	.	Do.
12.	P6/62(4506)	.	.	Do.	.	Do.
<i>Rampur</i>						
13.	3/1/162 and 3/3/21	.	.	Rampur	.	Riazul Hassan.
14.	Property No. Nil.	.	.	Rampur	.	Shakila Khatoon An- wari Haq.
<i>Manglour</i>						
15.	2-G/470	.	.	Halka	.	Mushmmat Jewani daughter of Nazir Ahmed.
16.	J/435	.	.	Qilla	.	Fazal son of Abdullah
17.	I/A/110	.	.	Pathqnpura	.	Mohmmad Ashan son of Bashir Hassan.
18.	3J/371	.	.	Qilla	.	Ziaul Haq son of Mohd. Akhtar.
19.	Broken shop	.	.	"	.	Chhuttar,
20.	S/R/238 and plot	.	.	"	.	Khurshid Ahmed.
<i>Roorkee</i>						
21.	NW/371, 495	.	.	Satti	.	Mohmmad Yakub son of Shafik Ah- med.
22.	NW/54, 58	.	.	Satti	.	Abdullah.
23.	EW/160, 161	.	.	Qarugoian	.	Mohmmad Ayub.

Sl. No.	Particulars of Property	Name of the town and locality in which the evacuee property is situated	Name of Evacuee
<i>Deoband</i>			
24.	E1/137	Abdul Mali	Mohmmad Yusuf.
<i>Nanautta</i>			
25.	1/303		Mohmmad Shafi.
26.	1/395		Gulam Hussain.
27.	1/282		Ashaq Ali.
28.	2/306/3/7		Mushmmat Mahmooda.
29.	K/227-669/3		Rahat Hussain.
30.	183, A		Ilyas.
31.	II/22 and 23	Saharanpur Mohsanyan	Ahmadi son of Aqilul Rehman.
<i>Distt. Varanasi</i>			
1.	House No. A26/25	Moh. Hassanpura	Musammat Fatama.
2.	House No. K47/214	Moh. Katuapura	Rafiuddin and Badeuddin.
3.	House No. A25/12	Moh. Salimpura	Musammat Chhamak
4.	House No. S9/383	Moh. Naibasti	Musammat Rahmat Bibi.
5.	House No. B11/18	Moh. Ahatarohila	Nasir Hussain.
6.	House of Dabbir Ahmad	Moh. Pachbhayia, Bhadhoi	Dabbirahmed.
7.	House of Bullah	Moh. Bara, Bhadhoi	Bullah.
8.	House of Inam Mohammad	Moh. Ludhiana, Bhadhoi	Inam Mohammad
9.	House of Nanak	Moh. Ghamahapur, Bhadhoi	Nanak.
10.	House of Mohammad, Hanif	Moh. Bazar sardar Khan	Mohmmad Hanif.
<i>Distt. Jhansi</i>			
1.	510, Shop	Masihaganj Sipri Bazar	Sri T.A. Ansai.
2.	119, House at site 392 Khushipura,	Khushipura, Jhansi	Sri Hussain Khan.
3.	66, Khushipura	Imambara, Jhansi	Sri Munnudin.
4.	76, Khushipura	Imambara, Jhansi	Sri Salamat.
5.	13, Khushipura	Bari Masjid, Jhansi	Sri Mohd. Sadiq.
6.	82/674/1-4, House	Mohobia, Jhansi	Sri Mohammad.
7.	66 House	Dadamian, Jhansi	Sri Abdu Razzak.
8.	67, House	Dadamian, Jhansi	Sri Abdul Razzak.
9.	39, House	Kachhiana, Jhansi	Sri Abdul Gani.
10.	40, House	Kachhiana, Jhansi	Sri Abdul Gani.
<i>Distt. Meerut</i>			
1.	House No. 334	Purwa Mahabir, Meerut	Sri Nawab Ali.
2.	House No. 242	Moh. Handia, Meerut	Sri Abdul Majid.
3.	House No. 99	Moh. Bharwara, Meerut	Sri Akhlaq etcetra.
4.	House No. 489/490	Moh. Kotla, Meerut	Sri Abdul Salam.
<i>Distt. Azamgarh</i>			
1.	Bungalow (House)	Barapul, Azamgarh City	Amis Ahmad and Rais Ahmad Village Narasuli, Azamgarh.
2.	House A/5/172	Asifgani, Azamgarh, City	Abdul Hafeez, Abdul Latif, Abdul Moeed and Abdul Barkat.

[No. F 1 (1217)-53/Comp. III/Prop-t.]

M. L. PURI,

Settlement Commissioner and Ex-Officer Under Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 9th July 1959

S.O. 1618.—Whereas immediately before the Employees' Provident Funds Act, 1952 (19 of 1952), became applicable with effect from the 1st October, 1956, to the factory known as the Fairdeal Corporation Private Ltd., Ghod-Bhunder Road, Jogeshwari, Bombay-42, there was in existence a provident fund common to the employees employed in the factory, to which the said Act applies, and the employees in its Sales Office situated at 66, Laxmi Building, Sir Pherozeshah Mehta Road, Bombay-1.

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby directs that the provisions of that Act shall also apply to the aforesaid Sales Office.

[No. PFII-7(23)/59.]

P. D. GAIHA, Under Secy.

New Delhi, the 9th July 1959

S.O. 1619.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Gaslitand Colliery of the New Manbhoom Coal Company Limited and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE No. 17 OF 1959

Employers in relation to the Gaslitand Colliery of the New Manbhoom Coal Co., Ltd.

AND

Their workmen.

PRESENT:

Shri Salim M. Merchant, B.A. LL.B., Presiding Officer.

Dated the 29th June, 1959.

APPEARANCES:

Shri S. S. Mukherjee, Advocate, instructed by Shri K. Prasad, Labour Welfare Officer—for the employers.

Shri D. Narsingh, Advocate, instructed by Shri Shankar Dayal Singh, Secretary, Gaslitand Colliery, Branch of the Colliery Mazdoor Sangh—for the workmen.

STATE: BIHAR.

INDUSTRY: COAL.

AWARD

Government of India, Ministry of Labour & Employment, by its order No. LRII 2(115) 58, dated the 11th March, 1959 made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) was pleased to refer to me for adjudication the industrial dispute between the parties above-named in respect of the subject matters specified in the following schedule to the said order:

SCHEDULE

Whether the dismissal of Shri Sirajuddin Mian Haulage Engine Khalasi of Gaslitand Colliery, was justified? Whether he is entitled to any relief and if so, to what relief?

2. After the usual notices were issued to the parties, the Colliery Muzdoor Sangh representing the workmen filed a statement of claim on 7th April 1959 to which the employers filed their written statement in reply on 18th April 1959 after which the dispute was fixed for hearing on 28th April 1959 when after the matter was heard for sometime parties applied for time to explore the chances

of a settlement. Thereafter the parties applied for further adjournment to finalize the settlement and at the adjourned hearing on 25th June 1959 parties filed the terms of settlement reached between them and prayed that an award be made in terms thereof. A copy of the terms of settlement is annexed hereto and marked Annexure 'A'. The terms of settlement have been signed on behalf of the workmen by Shri D. Narsingh, Advocate, Shri Shankar Dayal Singh, Secretary, Colliery Mazdoor Sangh, Gaslitand Colliery Branch and also by the workman concerned *viz.* Shri Sirajuddin Mian. On behalf of the employers the terms of settlement are signed by Shri S. S. Mukherjee, Advocate and Shri K. Prasad, the Welfare Officer of the Colliery.

3. In view of the settlement and the prayer of the parties, I make an award in terms of the settlement as far as they are relevant to the points in dispute.

4. No order as to costs.

SALIM M. MERCHANT,

Presiding Officer,

Central Government Industrial Tribunal, Dhanbad.

BEFORE THE CHAIRMAN CENTRAL GOVERNMENT'S INDUSTRIAL TRIBUNAL, DHANBAD

Dated the 29th June, 1959.

REFERENCE No. 17 of 1959

Employers in relation to Gaslitand colliery

AND

Their workmen.

The parties above-named beg to state that the above Reference has been settled between the Parties on the following terms:—

- (1) That Sri Sirajuddin Mian will not press his claim for reinstatement.
- (2) That in consideration of the above the Employers will pay Sri Sirajuddin Mian 10 (ten) months wages (including Basic and all allowances including u.g. and Dearness Allowance) at the rate he was drawing prior to the date of dismissal.
- (3) That the above amount will be paid to Sri Sirajuddin Mian within 15 days from the date of this compromise petition.
- (4) That Sri Sirajuddin Mian will hand over vacant possession of the colliery quarter at present occupied by him on the date of the receipt of the above amount.
- (5) That the parties will bear their own respective cost.
- (6) That the employers will withdraw the eviction suit against Sri Sirajuddin Mian.

It is, therefore, prayed that an Award may kindly be passed on the terms aforesaid. And for this your petitioners as in duty bound shall ever pray.

For Workmen,

D. NARSINGH, Advocate.

SHANKAR DAYAL SINGH,

Secretary, Colliery Mazdoor Sangh,
Gaslitand Colliery Branch.

SIRAJUDDIN MIAN,

workman named in the Reference.

For Employer

S. S. MUKHERJEE, Advocate,

K. PRASAD,

Welfare Officer, Gaslitand
Colliery.

New Delhi, the 10th July 1959

[No. LRII-2(115)/58.]

S.O. 1620.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Ramdhani Singh, Underground Trammer, Malkera Choltodih Colliery of Messrs. Tata Iron and Steel Co. Ltd., P.O. Malkera:

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

Application No. 1 of 1959

(arising out of Reference No. 61 of 1958)

PARTIES:

Shri Ramdhani Singh, Underground Trammer, Malkera-Choitodih Colliery of
M/s Tata Iron and Steel Co. Ltd., P.O. Malkera (Dhanbad)—Applicant.

Vs.

The Management of Malkera-Choitodih Colliery of M/s. Tata Iron & Steel
Co. Ltd., P.O. Malkera, Dist. Dhanbad—Opposite Party.

In the matter of a complaint under section 33-A of the Industrial Disputes Act,
1947 against suspension of the applicant for 10 days without pay from 26th March
1959, filed on 28th March 1959.

PRESENT:

Shri Salim M. Merchant, B.A., LL.B., Presiding Officer.

Dated, the 26th June, 1959

APPEARANCES:

Shri B. N. Sharma, Member, Executive Committee, Colliery Mazdoor Sangh,—
for the applicant.

Shri G. Prasad, Chief Personnel Officer—for the Opposite Party.

INDUSTRY: COAL

STATE: BIHAR.

AWARD

This is an application purporting to be under section 33-A of the Industrial Disputes Act, 1947 (Act 14 of 47) against the order of 10 days suspension from service passed against the applicant, Ramdhani Singh, by the Manager of the Malkera Colliery on 23rd March 1959, which took effect from 26th March 1959. The applicant alleges that the said order is illegal as it was made during the pendency before this Tribunal of the industrial dispute in Reference No. 61 of 1958 in which he was a workman concerned, without the prior express permission and/or the approval of the Tribunal, to the same having been taken as required by the Provisions of section 33(1)(a) and (b) and section 33(2)(b) of the Industrial Disputes Act, 1947 (XIV of 1947), hereinafter referred to as the Act.

2. The facts of the case are that the applicant who is employed as an underground trammer in the Malkera-Choitodih Colliery of Messrs. Tata Iron & Steel Co. Ltd. is occupying a quarter of the company since the last 6 years. On 20th/23rd February 1957 the management called upon the applicant to vacate the quarters on the ground that it was occupied by him forcibly. The applicant denied this charge by his letter dated 25th February 1959 and submitted that his occupation was *bona fide* and that after the Majumdar Award the management had actually deducted the rent of the premises in question from his pay for a certain period which had later been refunded to him as directed by the decision of the Labour Appellate Tribunal. The management, however, served the applicant with a charge sheet No. 83 of 1959 dated 5th March 1959 charging him with misconduct under section 19(2) of the Standing Orders of the Company. The applicant by his explanation dated 9th March 1959 denied that he had forcibly occupied the quarter and submitted that the order of the management was neither reasonable nor just. He also contended that Standing Order 19(2) which deals with "theft, fraud or dishonesty in connection with the company's business or property," did not apply. An enquiry was held on 12th March 1959 and thereafter, as stated earlier, by the management's letter dated 23rd March 1959, the applicant was punished by being suspended from service for 10 days without pay with effect from 26th March 1959, and it is this order which is challenged by this application.

3. The management in its written statement has raised the preliminary objection that this complaint is not maintainable as there has been no contravention by it of any of the provisions of section 33 of the Act. The company has argued that the applicant was not a workman concerned in the proceedings of the pending dispute in Reference No. 61 of 1958 and that the subject matter of the present complaint is not in any manner connected with that dispute, and therefore it was

not necessary for it to take the permission of the Tribunal or seek its approval under the provisions of section 33 of the Act before punishing the applicant. On the merits the company's case is that the applicant had forcibly occupied the quarter in question and that it was justified in calling upon him to vacate the same and on his refusal to have inflicted the punishment of 10 days suspension upon him.

4. The first question that falls for determination is whether there has been a violation of any of the provisions of the section 33 of the Industrial Disputes Act, 1947 as a complaint under section 33-A would be maintainable only if there has been such violation. Now, the Union alleges violation of the provisions of section 33(1)(a) and (b) and of section 33(2)(b) of the Act which are as follows:—

33. Conditions of service, etc. to remain unchanged under certain circumstances during pendency of proceedings:—

- (1) During the pendency of any conciliation proceeding before a conciliation officer or a Board or of any proceeding before a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall,—
 - (a) in regard to any matter connected with the dispute, alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding; or
 - (b) for any misconduct connected with the dispute, discharge or punish, whether by dismissal or otherwise, any workman, concerned in such dispute, save with the express permission in writing of the authority before which the proceeding is pending.
- (2) During the pendency of any such proceeding in respect of an industrial dispute, the employer may, in accordance with the standing orders applicable to a workman concerned in such dispute,—
 - (a) alter, in regard to any matter not connected with the dispute, the conditions of service applicable to that workman immediately before the commencement of such proceeding; or
 - (b) for any misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise, that workman:—

Provided that no such workman shall be discharged or dismissed, unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer.

Section 33-A is as follows:

33A. Special provision for adjudication as to whether conditions of service, etc. changed during pendency of proceedings.

Where an employer contravenes the provisions of section 33 during the pendency of proceedings before (a Labour Court, Tribunal or National Tribunal) any employee aggrieved by such contravention, may make a complaint in writing, in the prescribed manner to such (Labour Court, Tribunal or National Tribunal) and on receipt of such complaint that tribunal shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit its award to the appropriate Government and the provisions of this Act shall apply accordingly.

5. I shall first consider whether there has been a violation of section 33(1)(a) and (b). Before there can be a violation of section 33(1) it must be established that the complainant was a workman concerned in the pending dispute and that the prejudicial alteration in the conditions of service or the punishment complained against, was connected with the pending dispute. Now the company's contention is that the applicant Ramdhani Singh was neither a workman concerned in the pending dispute in Reference No. 61 of 1958 nor was the order of suspension connected with the said dispute. It is, therefore, necessary to refer to the subject matter of the industrial dispute in Reference No. 61 of 1958, pendency of the proceedings in which, on the date the order of suspension complained against was passed, is admitted. That industrial dispute was between Messrs. Tata Iron & Steel Co. Ltd, Jamadoba and their workmen and was referred to this Tribunal under clause (d) of sub section (1) of section 10 of the Industrial Disputes Act,

1947 by the order of the Central Government dated 12th November 1958. The subject matter of that industrial dispute so referred was stated in the schedule to the said order as follows:

"(a) Whether the management's order directing Shri Mishri Singh, Peon, to vacate the double room quarter at Jamadoba and occupy a single room quarter at Malkera is *bona fide*;

(b) If not, to what relief he is entitled."

It will thus be seen that the dispute in Reference No. 61 of 1958 was with regard to the claim of a particular workman *viz.* Shri Mishri Singh, for a double room quarter as against a single room quarter offered to him by the company. I may state that this claim for a double room quarter was founded on certain directions given by the Labour Appellate Tribunal in an earlier dispute concerning the transfer of that workman to the Malkera Colliery. The dispute thus was with regard to a particular workman's claim for double room quarters as against the single room quarter which the company had offered him on transfer to the Malkera colliery. The first question is whether the present applicant was a workman concerned in this earlier dispute. The expression "workman concerned in such dispute", occurring in section 33 has come in for interpretation by the High Court of Bombay in the case of *New Jehangir Vakil Mills Vs. Industrial Tribunal (1958 II LLJ p. 573 at page 576)*, where it was observed as follows:

"Before the provisions of S. 33 of the Act can be invoked, the court must be satisfied that the employer had, to the prejudice of the workmen concerned in a dispute, altered the conditions of service applicable to them. We have come to the conclusion having regard to the plain language used in S. 33 of the Act that the expression "concerned in such dispute" means really concerned or directly, personally or primarily concerned in such dispute, and not merely interested in such dispute. It is not inconceivable that if a particular workman working on a particular department of the mills is dismissed the workers of the mills might sympathize with him and might make a common cause with his grievance. It is, therefore, conceivable that in a dispute in which only a particular worker might be concerned, the other workers of the other departments of the establishment might be interested. But such an interest would not be the same thing as being "concerned" within the meaning of S. 33 of the Act.

"*The word "interest" is a wide generic word which clearly enough has not the same legal import as the word "concerned". In our opinion the word "concerned" connotes a kind of specific direct interest and in a given legal or quasi-legal proceedings, it implies a direct and personal interest which a party to the proceedings would have in the result of those proceedings when the same are capable of directly affecting him in any adjudication beneficially or prejudicially according to the result. It is clear that a mere indirect or altruistic interest in the result of the proceedings is not to be confused with the direct and personal concern in the proceedings. A personal concern in the proceedings would imply that the proceedings are of such a nature that their result would directly benefit or prejudice the persons concerned in the proceedings as a party to those proceedings."

Applying this test and remembering that the award in Reference No. 61 of 1958 was binding only on the particular workman concerned in that dispute, it must be held that the present applicant, Shri Ramdhani Singh, was not a workman concerned in the industrial dispute in Reference No. 61 of 1958.

6. The next question to be considered is whether the complaint that has been filed by the applicant, Ram Dhani Singh, is, "in regard to any matter" connected with the earlier dispute. As I have pointed out the earlier dispute was with regard to the claim of a particular workman for a double roomed quarter as against the single room quarter offered by the Company. In that dispute the question involved was not the question of the employer's right to call upon the workman to vacate a quarter which according to the company he had illegally occupied. In my opinion the subject matter of the present complaint is not in any way connected with the subject matter of the earlier dispute in Reference No. 61 of 1958. The High Court of Rajasthan in the case of *Pali Electricity Company Ltd. and Industrial Tribunal and another (1959 I LLJ p. 282)* has considered the expression "in regard to any matter connected with the dispute" appearing in section 33(1)(a) and applying that test to the facts of this case, it cannot

be held that the present complaint is connected with the subject matter of the earlier dispute. Shri Sharma appearing for the applicant has relied upon two earlier decisions of the Labour Appellate Tribunal in the cases of Kargali Colliery, State Railway Collieries and B. B. L. Bhatnagar (1954 I LLJ at page 171) and Eastern Plywood Manufacturing Co. Ltd. Vs. Eastern Plywood Manufacturing Workers Union (1952 I LLJ p. 629) in support of his contention that the present applicant was a workman concerned in Reference No. 61 of 1958. But, in my opinion both these decisions can be distinguished from the facts of the present case. In any case after the amendment of section 33 by the Industrial Disputes (Miscellaneous Provisions) Act, 1956 before the complaint under section 33A can be maintained under sec. 33(1) it is not only necessary that the complainant should be a workman concerned in the earlier dispute, but that the action of the complainant must also be in connection with the dispute. As in this case it is quite clear that the punishment of 10 days suspension complained against was not connected with the earlier dispute this complaint is not maintainable and it must be held that there has been no contravention of section 33(1)(a) or 33(1)(b) of the Act by the opposite party.

7. It was next argued that there has been a contravention of section 33(2)(b). Here also it is necessary that the complainant must be a workman concerned in the earlier dispute. As I have already held that the present applicant Ram Dhani Singh was not a workman concerned in the earlier dispute Reference No. 61 of 1958, clearly there is no contravention of sub-section (2) of section 33. Shri Prasad, the Chief Personnel Officer for the Company, has urged that no application for approval of the action taken by the management is necessary in a case of punishment because the proviso to sub-section (2) of section 33 makes an application for approval necessary only in the cases of discharge or dismissal and not in the case of any other form of punishment. From the language of the proviso to sub-section (2) of section 33 it does appear that this contention is well-founded inasmuch as while sub-section 2(b) of section 33 refers to discharge or punish whether by dismissal or otherwise, the proviso to the sub-section lays down that the application for approval is only to be made in the event of discharge or dismissal. Shri Prasad has referred me to a decision of the State Labour Court, Calcutta, in the case of Asbestos Cement Company, reported in the Calcutta Gazette Extraordinary, Part I, dated 17th October, 1958 at page 5294 (a) and (b) where the Labour Court held that a measure of punishment in the case of non-protected workmen, did not come under section 33 and an application for approval of the action was not necessary.

8. For the reasons stated above, I upheld the contention of the management that there has been no contravention of section 33(1) (a) and (b) or of section 33(2)(b) and therefore this complaint is not maintainable under section 33A of the Act. The complaint must, therefore, stand dismissed as not maintainable.

9. I must, however, make it absolutely clear that I must not be understood to have expressed any opinion on the merits of the case which forms the subject matter of this complaint, viz. the punishment of 10 days' suspension which the management has inflicted on the applicant. I have not gone into the merits of that case, as I have upheld the preliminary objection that the complaint is not maintainable under section 33-A of the Act, as there has been no contravention of section 33.

10. No order as to costs.

SALIM M. MERCHANT,
Presiding Officer.

[No. LRII-2(141)/58.]

A. P. VEERA RAGHAVAN, Under Secy.

New Delhi, the 10th July 1959

S.O. 1621.—In pursuance of section 16 of the Employees' State Insurance Act, 1948 (34 of 1948) and in modification of this Ministry's notification No. HI-5(12)/58, dated the 3rd March, 1959, the Central Government re-employs Shri V. R. Mahadevan as Chief Accounts Officer in the Employees' State Insurance Corporation from the 15th December, 1958 (F.N.) to the 14th December, 1960 (A.N.).

[No. F. HI-5(22)/59.]
BALWANT SINGH, Under Secy.

New Delhi, the 10th July 1959

S.O. 1622.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Bombay Dock Labour Board and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

REFERENCE (CGIT) NO. 4 OF 1959

In the matter of Bombay Dock Labour Board

AND

Their Workmen

PRESENT

Shri F. Jeejeebhoy, Judge.

APPEARANCES:

Shri K. K. Mehta—for the Dock Labour Board.

Shri C. L. Dudhia—for the workmen.

AWARD

The Government of India, in the Ministry of Labour and Employment, by its Order of 22nd January, 1959, has referred to me for adjudication the following disputes between the Dock Labour Board of Bombay and certain of its workmen:—

- (1) Whether in view of the clerical duties performed by the distribution peons, their designation should be changed to card distributors?
- (2) Whether the existing scale of the distribution peons/card distributors should be revised, and if so, what scale of pay be fixed for them?

These matters have already been the subject of an arbitration, which fact neither side disputes. The award of the Arbitrator is at annexure 'A' to the statement of claim of the workmen, and it is dated 19th September, 1957. Three questions were referred to the Arbitrator concerning these very workmen, namely,

1. In view of duties performed by the peons, in connection with the booking prior to 1st April, 1957, what compensation is payable to them.
2. Whether it is desirable to entrust to those peons the same duties which were performed by them before 1st April, 1957.
3. In view of the duties being performed by the said peons at present whether any extra allowance should be paid to them or in the alternative whether revision of grade is called for?

The Arbitrator was formerly the Regional Labour Commissioner (Central), in Bombay, and he was naturally fully cognisant of the matters before him. By his decision on issue No. 1 he directed certain allowances to be paid to the peons for the period from 1st June, 1956 to 31st March, 1957. As regards issue No. 2, he took the view that it was a right step to have withdrawn certain duties from the peons which could not be regarded as their legitimate duties. On issue No. 3 which is relevant to this adjudication the Arbitrator observed: "I am of the view that the duties performed by the peons at present cannot be regarded as clerical or strictly speaking even as semi-clerical. I, however, feel that the degree of intelligence and the standard of literacy required for the performance of these duties *viz.*, distribution of cards and slips at the windows or on the ships, are somewhat higher than that necessary for the performance of usual duties of peons. I, therefore, direct that the peons who have performed these duties should receive an additional allowance of Rs. 5; these particular duties hereinafter shall also be paid the same allowance."

It was pointed out by me to the workmen that the Arbitrator's award was final on the question of categorisation, that the Arbitrator was a person well conversant with the matters before him as he was the Regional Labour Commissioner, and that the award was given just two years ago, and the same persons who were before the Arbitrator at that time are before me now. It is not in dispute that the workmen concerned had been doing the same work in 1957 which they are doing now.

Where parties to an industrial dispute decide to submit a particular dispute or set of issues to an Arbitrator, they are naturally bound by the award of the Arbitrator. The Arbitrator here has come to the conclusion that these workmen are peons and that they cannot be regarded as either clerical or even semi-clerical employees. In consideration of the fact that they, although peons, had to bring greater intelligence and some literacy for their particular duties, the Arbitrator gave them an allowance of Rs. 5.

There cannot be any dispute as to the duties of these peons because, when conciliation proceedings were started in respect of the matters now preferred, the Conciliation Officer visited the booking hall of the Dock Labour Board with the parties' representatives and saw the work of these distribution peons; he also asked one of the distribution peons to give details of the duties which he was performing, and those duties will be found in Appendix 2 to the written statement of the Bombay Dock Labour Board. That statement has been signed by the Conciliation Officer, as also by Shri Mehta representing the employers and Shri Tulpule representing the workmen, and I must assume that that statement of duties is correct. It is not in dispute that these are the same duties to which the arbitrator has referred. Annexed to this award are the two annexures filed in this adjudication to which reference has been made aforesaid.

It is therefore clear that so far as the nature of the duties and the categorisation of these peons are concerned there is a finality on the subject; and I am bound to recognise and uphold it. To do otherwise would be to destroy the finality of industrial arbitrations in matters like categorisation of personnel.

There can however be no finality as to the amount of the allowance, and if there is a change the emoluments of these peons would be open to consideration. There is however no indication of any change to justify interference. Shri Dudhia suggested that the Arbitrator had no proper conception of the facts, but that is unsupportable.

It follows that I cannot give any relief. I intimated this position to the parties which they themselves realised; and I asked if they could not come to some amicable arrangement. The employers are willing to treat the allowance of Rs. 5 given by the Arbitrator as a part of the basic for all purposes like provident fund, gratuity, leave etc. and they are already giving this sum of Rs. 5 allowance during periods of casual and sick leave. The workmen however would prefer to have an additional Rs. 5 by way of an allowance so as to make the total allowance Rs. 10 in the place of Rs. 5 that it is today, and they would like the whole of the Rs. 10 to be regarded as part of the basic for all purposes. If I may venture to express a view on the subject, if there is to be a change, an increase of Rs. 5 in the allowance would be preferable so as to be in line with the Arbitrator's reasoning. The Arbitrator had preferred to keep the sum of Rs. 5 as an allowance, separate from the basic wage, and I feel that that idea should be sustained; he looked upon these workmen as peons, but as they had brought to this particular work a larger measure of intelligence and literacy, they were given an allowance.

I would therefore answer the first issue in the following sense: the peons before me do not perform any clerical duties, they were appointed as peons and they continue as such, and there are no grounds for any change in their present designation.

As regards the second issue there are no grounds for revising the scale of the peons before me, and in fact no change in the scale as such was pressed. It has to be remembered that, separate from the basic and dearness allowance the Arbitrator has already given an allowance which the workmen are receiving. One of the questions referred to the Arbitrator was whether revision of grade was called for, and the Arbitrator declined to revise the scale but preferred to give an allowance of Rs. 5.

Now, therefore, the reference is answered accordingly and I make this award.

Dated, 2nd July, 1959.

(Sd.) F. JEEJEEBHoy,

Judge,

Central Government Industrial Tribunal at Bombay.

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ANNEXURE No. "A"

19th September 1957

AWARD

The administrative Body of the Bombay Dock Labour Board and the Bombay Stevedores' & Dock Labourers' Union have referred to me for arbitration the dispute relating to certain peons on distribution duty, which they have not been able to resolve. According to the Union these peons were definitely employed in clerical duties from 1st June 1956 to 31st March 1957 for which period they had demanded a clerical grade. The Union had held that with effect from 1st April 1957, these peons were performing semi-clerical duties for which they had demanded introduction of semi-clerical grade. The specific issues referred to me for arbitration are as given below:

1. In view of duties performed by the Peons in connection with the booking prior to 1st April, 1957, what compensation is payable to them.
2. Whether it is desirable to entrust to these peons the same duties which were being performed by them before 1st April 1957.
3. In view of the duties being performed by the said peons at present whether any extra allowance should be paid to them or in the alternative whether revision of grade is called for?

The duties that these peons perform now, are to arrange cards and wage-slips serially and issue them at the windows, paste slips on booking board and issue and distribute booking slips and wage cards on the ships. Prior to 1st April 1957, in addition to the above duties these peons also used to do actual booking and stamp the slips. These latter duties which they were performing prior to 1st April 1957 for about one to two hours a day could not but be regarded as clerical duties. For the remaining period they were performing duties which they are performing at present and which cannot be regarded as clerical duties.

In regard to issue No. 1, I direct that such of the peons as were made to perform the duties mentioned above for the period from 1st June 1956 to 31st March 1957, should be paid, in addition to what they have been receiving, an allowance of Rs. 20/- per month as compensation for that period.

In regard to issue No. 2, I do not think the right of employee's withdrawal of certain duties from the peons can be challenged. In fact, I am of the opinion, that they took a right step in withdrawing certain duties from the peons which could not be regarded as their legitimate duties.

As regards issue No. 3, I am of the view that the duties performed by the peons at present, cannot be regarded as clerical or strictly speaking even as semi-clerical. I, however, feel that the degree of intelligence and the standard of literacy required for the performance of these duties viz. distribution of cards and slips at the windows or on the ships are somewhat higher than that necessary for the performance of usual duties of peons. I, therefore, direct that the peons who have performed these duties should receive an additional allowance of Rs. 5/- per month and these particular duties hereinafter shall also be paid the same allowance.

(Sd.) Deputy Chairman.

APPENDIX 2

Visited the Booking Hall of the Bombay Dock Labour Board. M/s. K. K. Mehta, Secretary, Bonibay Dock Labour Board and B. L. Desai, Secretary, Bombay Stevedores' Association Ltd. (Administrative Body) were present on behalf of the Management while Mr. D. M. Tulpule was present on behalf of the Union. I went around the Booking Hall personally, and saw the working of distribution peons.

I interviewed one Mr. Nanalal H. Thakar, a distribution peon. I asked about the duties he was performing. He said that he was performing the following duties:—

1. Arranging serially the wage cards and wage slips and distributing the same at the window.

2. Distributing the Attendance Cards and Wage Slips on the Ships. In case of Gang workers the cards and slips are given to the tindel of the gang concerned and in case of other workers cards are given individually.
3. Arranging the Attendance Cards serially and distributing to the workmen, who are on Attendance Allowance.
4. Pasting the Booking Slips on the respective Booking Boards.
5. Distributing the Booking Slips on the Ships to the particular workman and in case he is not present slip is given to the next workman as advised by the Office and intimating about the same to the Office.

I had thereafter discussions with the parties concerned. The representatives of the Management took the same old stand and stated that the nature of work entrusted to them did not warrant any change in their designation and as such no increase in their wages was necessary. The Union representative on the other hand did not agree to this and demanded increase in wages. Due to the above reasons no settlement could be arrived at. In view of the above conciliation proceedings failed.

It was further agreed that the Bombay Dock Labour Board will be treated as Employer for purposes of the above dispute.

(Sd.) S. C. GUPTA,

(Sd.) K. K. MEHTA,

(Sd.) D. M. TULPULE.

8th September 1959.

[No. LR. IV-28(42)/58.]

A. L. HANNA, Under Secy.